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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-805

13 **KARIE PATRICE LOVE**
14 **1132 Bourton Court**
15 **Blanchard, OK 73010**

DEFAULT DECISION AND ORDER

16 **Registered Nurse License No. 737117**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about September 23, 2008, the Board of Registered Nursing (Board) issued
20 Registered Nurse License No. 737117 to Respondent. The Registered Nurse License expired on
21 January 31, 2010, and has not been renewed.

22 2. On or about March 24, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs, filed Accusation No. 2011-805 against Karie Patrice Love (Respondent)
25 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

26 3. On or about March 24, 2011, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 2011-805, Statement to Respondent, Notice of Defense,
28

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to California Code of
3 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
4 which was and is:

5 1132 Bourton Court
6 Blanchard, OK 73010

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
18 805.

19 7. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2011-805, finds
that the charges and allegations in Accusation No. 2011-805, are separately and severally, found
to be true and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation (\$15,388.50) and Enforcement (\$1,470.00) is a total of \$16,858.50 as of June 21, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Karie Patrice Love has subjected her Registered Nurse License No. 737117 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in that on or about August 24, 2004, in the Superior Court, County of San Joaquin, California in the matter entitled *People v. Karie Patrice Love*, 2004, Case No. ST037778A, Respondent was convicted by the court following her plea of no contest to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor.

b. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that while on duty as a registered nurse at Sonora Regional Medical Center, Sonora, California, Respondent committed the following acts:

1. Between October 30, 2008, and November 1, 2008, Respondent obtained the controlled substance Dilaudid by fraud, deceit, misrepresentation, or subterfuge by taking the drug from hospital supplies in violation of Health and Safety Code section 11173, subdivision (a).

2. Between October 30, 2008, and November 1, 2008, Respondent possessed the controlled substance Dilaudid without lawful authority in violation of Code section 4060.

3. On or about November 5, 2008, Respondent self-administered the controlled substance Dilaudid without lawful authority.

c. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that on or about July 16, 2004, Respondent used alcohol and on or about November 5, 2008, Respondent used the controlled substance Dilaudid to an extent or in a manner dangerous or injurious to herself or others.

d. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that while on duty as a registered nurse at Sonora Regional Medical Center, Sonora, California, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in the several patient/hospital records.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 737117, heretofore issued to Respondent Karie Patrice Love, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 16, 2011.

It is so ORDERED August 17, 2011.

Jeanne K. Reeves

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation Case No. 2011-805

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2011-805

12 **KARIE PATRICE LOVE**
13 **1132 Bourton Court**
Blanchard, OK 73010
14 **Registered Nurse License No. 737117**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about September 23, 2008, the Board issued Registered Nurse License Number
23 737117 to Karie Patrice Love ("Respondent"). The registered nurse license expired on January
24 31, 2010, and has not been renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
27 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
28 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the

1 Nursing Practice Act.

2 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
3 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
4 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
5 (b), the Board may renew an expired license at any time within eight years after the expiration.

6 5. Code section 2761 states, in pertinent part:

7 The board may take disciplinary action against a certified or licensed
8 nurse or deny an application for a certificate or license for any of the following:

9 (a) Unprofessional conduct. . . . ,

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
conviction shall be conclusive evidence thereof.

12 6. Section 2762 of the Code states, in pertinent part:

13 In addition to other acts constituting unprofessional conduct within the
14 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

15 (a) Obtain or possess in violation of law, or prescribe, or except as
16 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
17 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

18 (b) Use any controlled substance as defined in Division 10 (commencing
19 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
20 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
21 the public the practice authorized by his or her license.

22 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to the
23 substances described in subdivision (a) of this section.

24 7. Code section 4060 states, in pertinent part:

25 No person shall possess any controlled substance, except that furnished to
26 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian.

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1 8. Health and Safety Code section 11173, subdivision (a) states:

2 No person shall obtain or attempt to obtain controlled substances, or
3 procure or attempt to procure the administration of or prescription for controlled
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by
5 concealment of a material fact.

6 **COST RECOVERY**

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **10. Controlled Substance**

12 “Dilaudid” is a brand of hydromorphone hydrochloride and a Schedule II controlled
13 substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(K), and a
14 dangerous drug pursuant to Business and Professions Code section 4022, in that pursuant to
15 federal and state law, it requires a prescription.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Criminal Conviction)**

18 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
19 that on or about August 24, 2004, in the Superior Court, County of San Joaquin, California in the
20 matter entitled *People v. Karie Patrice Love*, 2004, Case No. ST037778A, Respondent was
21 convicted by the court following her plea of no contest to a violation of Vehicle Code section
22 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor. The
23 circumstances of the crime are that on or about July 16, 2004, Respondent was arrested for
24 driving with a blood alcohol level of .08% or more.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Obtain and Possess Controlled Substances in Violation of Law)**

27 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
28 the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that

1 while on duty as a registered nurse at Sonora Regional Medical Center, Sonora, California,
2 Respondent committed the following acts:

3 a. Between October 30, 2008, and November 1, 2008, Respondent obtained the
4 controlled substance Dilaudid by fraud, deceit, misrepresentation, or subterfuge by taking the
5 drug from hospital supplies in violation of Health and Safety Code section 11173, subdivision (a).

6 b. Between October 30, 2008, and November 1, 2008, Respondent possessed the
7 controlled substance Dilaudid without lawful authority in violation of Code section 4060.

8 c. On or about November 5, 2008, Respondent self-administered the controlled
9 substance Dilaudid without lawful authority.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Used the Controlled Substance Dilaudid to an Extent**

12 **or in a Manner Dangerous or Injurious)**

13 13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
14 the grounds of unprofessional conduct, in that on or about July 16, 2004, Respondent used
15 alcohol and on or about November 5, 2008, Respondent used the controlled substance Dilaudid to
16 an extent or in a manner dangerous or injurious to herself or others.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Falsify, or Make Grossly Incorrect Entries in Patient/Hospital Records)**

19 14. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
20 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that
21 while on duty as a registered nurse at Sonora Regional Medical Center, Sonora, California,
22 Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in the
23 following patient/hospital records:

24 **Patient A**

25 a. On October 31, 2008, at 10:03 a.m. and 11:08 a.m., Respondent withdrew a 1 mg
26 syringe of Dilaudid, each time for this patient when there was no physician's order. Respondent
27 charted the administration of both doses of Dilaudid in the patient's Medication Administration
28 Record.

1 **Patient B**

2 b. On October 30, 2008, at 6:45 p.m, Respondent withdrew a 1 mg syringe of Dilaudid
3 for this patient when there was no physician's order. Respondent failed to chart the wastage or
4 otherwise account for the disposition of the 1 mg of Dilaudid in any patient/hospital record.

5 **Patient C**

6 c. On October 30, 2008, at 12:43 p.m. and 1:55 p.m., Respondent withdrew a 2 mg
7 syringe of Dilaudid each time for this patient. Respondent charted the administration of 1 mg of
8 Dilaudid which is reflected by three separate entries in the patient's Medication Administration
9 Record; however, Respondent failed to account for the disposition of the remaining 1 mg of
10 Dilaudid in any patient/hospital record.

11 **Patient E**

12 d. On October 30, 2008, at 11:58 a.m. and 12:48 p.m., Respondent withdrew a 2 mg
13 syringe of Dilaudid each time for this patient when there was no physician's order. Respondent
14 failed to chart the wastage or otherwise account for the disposition of the 4 mg of Dilaudid in any
15 patient/hospital record.

16 **Patient F**

17 e. On November 1, 2008, at 9:21 p.m., 10:27 p.m., and 11:52 p.m., Respondent
18 withdrew a 2 mg syringe of Dilaudid each time for this patient when there was no physician's
19 order. Respondent charted the administration of 3 doses of Dilaudid, 2 mg each time, for this
20 patient.

21 **Patient G**

22 f. On October 31, 2008, at 11:00 a.m. and 12:03 p.m., Respondent withdrew a 1 mg
23 syringe of Dilaudid each time for this patient. Further, at 1:01 p.m., Respondent withdrew a 2 mg
24 syringe of Dilaudid for this patient. Respondent charted the administration of .05 mg of Dilaudid
25 three times; however, Respondent failed to chart the wastage or otherwise account for the
26 disposition of the remaining 2.5 mg of Dilaudid in any patient/hospital record.

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1 **Patient H**

2 g. On October 30, 2008, at 2:49 p.m., and 4:12 p.m., Respondent withdrew a 2 mg
3 syringe of Dilaudid each time for this patient. Additionally, Respondent withdrew a 1 mg syringe
4 of Dilaudid at 5:30 p.m. Respondent charted the administration of three doses of Dilaudid, 1 mg,
5 each time; however, Respondent failed to chart the wastage or otherwise account for the
6 disposition of the remaining 2 mg of Dilaudid in any patient/hospital record.

7 **Patient I**

8 h. On November 1, 2008, at 8:28 p.m., Respondent withdrew a 2 mg syringe of Dilaudid
9 for this patient. The patient's Medication Administration Record reflects administration of a dose
10 of some type of medication was given; however, the medication is not listed nor was any portion
11 of the Dilaudid documented as wasted.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 737117, issued to Karie
16 Patrice Love;
- 17 2. Ordering Karie Patrice Love to pay the Board of Registered Nursing the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: _____

3/24/11

23 *Louise R. Bailey*
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
 Complainant

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